

REMARKS

This Application has been carefully reviewed in light of the Office Action dated June 14, 2007 ("*Office Action*"). At the time of the Office Action, Claims 1-27 were pending and rejected. Applicant amends Claims 1, 15, 17, 19, 20, 21, 22, 24, 26, and 27 and cancels Claims 3, 8, 10, 16, and 18. Applicant respectfully requests reconsideration and favorable action in this case.

Section 101 Rejections

The Examiner rejects Claims 17-18, 21, and 26-27 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states that "Claims 17-18, 21, and 26 recite "computer product," which do not fall within the four statutory classes of 101." (*Office Action*, page 2). Applicant has amended Claims 17, 21, and 26-27 to address the issues identified by the Examiner. For example, Claim 17, as amended, recites "logic embodied in a computer-readable medium." Claims 21 and 26-27 have amended to include similar language. Claim 18 has been cancelled. For at least these reasons, Applicant respectfully requests that the rejection of the Claims 17-18, 21, and 26-27 under § 101 be withdrawn and the claims allowed.

Section 102 Rejections

The Examiner rejects Claims 1-3, 6-8, and 10-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,980,962 issued to Arganbright et al. ("*Arganbright*"). Claims 3, 8, 10, 16, and 18 have been cancelled. Applicants respectfully request reconsideration and allowance of Claims 1, 2, 6, 7, 11-15, 17, and 19-27 for the reasons discussed below.

A. Claims 1, 2, 6, 7, 11-15, and 17

Independent Claim 1 of the present Application, as amended, recites:

A method of using a computer system for on-line processing of merchandise returns for a plurality of merchants, comprising the steps of:
storing a set of return rules in a database for each of the plurality of merchants;

receiving, via the Internet, a return request representing a request by a customer to initiate a return of at least one item of merchandise;

in response to receiving the request from the customer, identifying a merchant associated with the at least one item of merchandise and identifying transaction information associated with the at least one item of merchandise;

using the set of return rules associated with the identified merchant and the transaction information to validate the return;

upon validating the return, electronically delivering data about the customer to the merchant associated with the return;

processing the return in accordance with the set of return rules associated with the merchant.

Applicant respectfully submits that *Arganbright* does not disclose, either expressly or inherently, each and every element of the Applicant's amended Claim 1.

For example, *Arganbright* does not disclose, teach, or suggest "storing a set of return rules in a database for each of the plurality of merchants," as recited in Claim 1. To the contrary, *Arganbright* merely discloses "a system and method for providing complete electronic commerce ("E-Commerce") transactions and solutions for a marketing company's products via the World Wide Web." (Abstract). According to *Arganbright*, "an individual may register with the marketing system as a Client, a Member, or a Member Plus." (Column 2, lines 26-27). A client is eligible to buy products at a Client price, a member is eligible to buy products at a Member price, and a member plus is eligible to buy products at a Member Plus price. (Column 2, lines 27-32). Thus, the *Arganbright* system offers variable prices to customers based on the customer's status. There is no disclosure of a plurality of merchants. Accordingly, although *Arganbright* briefly discusses a "process for handling returns" (Column 62, line 51 through Column 63, line 55), there is no disclosure of "storing a set of return rules in a database for each of the plurality of merchants," as recited in Claim 1.

As another example, *Arganbright* does not disclose, teach, or suggest "in response to receiving the request from the customer, identifying a merchant associated with the at least one item of merchandise and identifying transaction information associated with the at least one item of merchandise," as recited in Claim 1. According to *Arganbright*, the process for handling returns begins when "the system presents the user with a copy of the satisfaction guarantee 2702." (Column 63, lines 3-5). Thus, the process initiates with the presentation of

the return policy to the user. “After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (Column 63, lines 8-11). From this point forward, *Arganbright* discloses two distinct but related processes: one for returns and one for exchanges/replacements. However, in either case, the first electronic request received from the user relating to the return of a product is the selection of either a “return” button or an “exchange” button.

In either of the return or exchange scenarios, Applicant directs the Examiner’s attention to the fact that the information used to populate the appropriate form is requested from the customer. Specifically, “[i]f the user selects “return,” an online return form 2706 is presented to the user.” (Column 63, lines 12-13). “The user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number.” (Column 63, lines 13-17). In contrast, “[i]f the user selects to “exchange” a product or products, the user is presented with an exchange form 2714.” (Column 63, lines 36-37). Although two separate forms are disclosed (i.e., “a return form 2706” and “an exchange form 2714,” the information requested from the customer by the two forms is very similar. In the return scenario, *Arganbright* discloses that the return form, once populated by the customer’s input, is “presented to the user in a format (box 2710) that can be printed on a conventional printer connected to the user’s computer” and that the user “is requested to print the form and include the form in the box containing the product or products to be returned.” (Column 63, lines 23-29). In the exchange scenario, the exchange form, once populated by the customer’s input is “forwarded to the marketing company by any method, including, but not limited to, email, regular mail, or telephone.” (Column 63, lines 51-54). There is no further disclosure in *Arganbright* with respect to the processing of the return beyond the point where the form is populated and delivered to the marketing company by either mail or email. Accordingly, there is no disclosure in *Arganbright* of “**in response to receiving the request** from the customer, **identifying a merchant** associated with the at least one item of merchandise and **identifying transaction information** associated with the at least one item of merchandise,” as recited in Applicant’s Claim 1.

For reasons similar to those discussed above, Applicant also submits that *Arganbright* does not disclose, teach, or suggest the following limitations recited in Claim 1:

- using the set of return rules associated with the identified merchant and the transaction information to validate the return;
- upon validating the return, electronically delivering data about the customer to the merchant associated with the return;
- processing the return in accordance with the set of return rules associated with the merchant.

As discussed above, *Arganbright* merely discloses the population of an exchange or return form by a customer. There is no further disclosure in *Arganbright* with respect to the processing of the return beyond the point where the form is populated and delivered to the marketing company by either mail or email. Furthermore, as discussed above, *Arganbright* does not at all relate to a return system for on-line processing of merchandise returns for a plurality of merchants. Accordingly, Applicants submit that the claim elements recited above are not disclosed in *Arganbright*.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 6, 7, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15 and 17, together with Claim 16 that depends on Claim 15.

B. Claims 19-21

Independent Claim 19 of the present Application, as amended, recites:

A method of using a computer for online merchandise returns, comprising the steps of:
receiving, from each of a plurality of merchants, a set of return rules representing merchandise return policies of each merchant;
storing the return rules in a database;

receiving, via the Internet, a return request representing a request by a customer to initiate a return of at least one item of merchandise;
in response to receiving the request from the customer, identifying a selected one of the plurality merchants as being associated with the at least one item of merchandise;
using the set of return rules associated with the identified merchant to validate the return;
upon validating the return, processing the return in accordance with the set of return rules associated with the merchant.

Applicant respectfully submits that *Arganbright* does not disclose, either expressly or inherently, each and every element of the Applicant's amended Claim 19.

As examples, *Arganbright* does not disclose, teach, or suggest "receiving, from each of a plurality of merchants, a set of return rules representing merchandise return policies of each merchant" and "in response to receiving the request from the customer, identifying a selected one of the plurality merchants as being associated with the at least one item of merchandise," as recited in Claim 19. As discussed above, *Arganbright* merely discloses "a system and method for providing complete electronic commerce ("E-Commerce") transactions and solutions for a marketing company's products via the World Wide Web." (Abstract). According to *Arganbright*, "an individual may register with the marketing system as a Client, a Member, or a Member Plus." (Column 2, lines 26-27). A client is eligible to buy products at a Client price, a member is eligible to buy products at a Member price, and a member plus is eligible to buy products at a Member Plus price. (Column 2, lines 27-32). Thus, the *Arganbright* system offers variable prices to customers based on the customer's status. There is no disclosure of a plurality of merchants. Accordingly, although *Arganbright* briefly discusses a "process for handling returns" (Column 62, line 51 through Column 63, line 55), such returns are by the clients, members, and member plus customers. The only merchant disclosed is the marketing company. There is no disclosure of "receiving, from each of a plurality of merchants, a set of return rules representing merchandise return policies of each merchant," as recited in Claim 19. For similar reasons, there is no disclosure of "in response to receiving the request from the customer, identifying a selected one of the plurality merchants as being associated with the at least one item of merchandise," as recited in Claim 1. These elements are absent from the disclosure of *Arganbright*.

As further examples, *Arganbright* does not disclose, teach, or suggest “using the set of return rules associated with the identified merchant to validate the return” and “upon validating the return, processing the return in accordance with the set of return rules associated with the merchant,” as recited in Claim 19. As discussed above, *Arganbright* merely discloses the population of an exchange or return form by a customer. There is no further disclosure in *Arganbright* with respect to the processing of the return beyond the point where the form is populated and delivered to the marketing company by either mail or email. Accordingly, Applicant submits *Arganbright* does not disclose, teach, or suggest “using the set of return rules associated with the identified merchant to validate the return,” as recited in Claim 19. Additionally, *Arganbright* does not disclose, teach, or suggest “upon validating the return, processing the return in accordance with the set of return rules associated with the merchant,” as recited in Claim 19.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 19. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 20 and 21.

C. Claims 22-27

Independent Claim 22 of the present Application, as amended, recites:

A method of using a computer for online merchandise returns, comprising the steps of:

in a first transaction associated with an online purchase of at least one item of merchandise, obtaining customer-specific return information from a customer associated with the at least one item of merchandise;

transmitting a client identifier to a client system associated with the customer;

in a second transaction, receiving, via the Internet, a return request representing a request by the customer to initiate a return of at least one item of merchandise, the return request comprising the client identifier that uniquely identifies the client system from which the return request is received;

using the client identifier to identify the customer-specific return information;

processing the return in accordance with one or more return rules associated with the merchandise; and

electronically notifying a merchant of the return.

Applicant respectfully submits that *Arganbright* does not disclose, either expressly or inherently, each and every element of the Applicant's amended Claim 22.

As examples, *Arganbright* does not disclose, teach, or suggest at least the following claim elements recited in Claim 22:

- transmitting a client identifier to a client system associated with the customer;
- in a second transaction, receiving, via the Internet, a return request . . . comprising the client identifier that uniquely identifies the client system from which the return request is received; and
- using the client identifier to identify the customer-specific return information.

As discussed above, *Arganbright* merely discloses “a system and method for providing complete electronic commerce (“E-Commerce”) transactions and solutions for a marketing company’s products via the World Wide Web.” (Abstract). According to *Arganbright*, “an individual may register with the marketing system as a Client, a Member, or a Member Plus.” (Column 2, lines 26-27). A client is eligible to buy products at a Client price, a member is eligible to buy products at a Member price, and a member plus is eligible to buy products at a Member Plus price. (Column 2, lines 27-32). Thus, the *Arganbright* system offers variable prices to customers based on the customer’s status. “Client” as used in *Arganbright* refers to the customer. It does not refer to a client system. Further, although *Arganbright* briefly discusses a “process for handling returns” (Column 62, line 51 through Column 63, line 55), there is no disclosure in *Arganbright* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of “using the client identifier to identify customer-specific return information.” At least these elements are absent from the disclosure of *Arganbright*.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 22, together with Claim 23 that depends on Claim 22. For analogous

reasons, Applicant also requests reconsideration and allowance of independent Claims 24 and 26, together with Claims 25 and 27 that depend on Claims 24 and 26, respectively.

Section 103 Rejections

The Examiner rejects Claims 4-5 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Arganbright* in view U.S. Patent Application Publication No. 2002/0010634 issued to Roman et al. ("*Roman*").

Dependent Claims 4-5 and 9 depend upon independent Claim 1, which Applicant has shown above to be allowable. Accordingly, dependent Claims 4-5 and 9 are not obvious over the various combinations of references relied upon by the Examiner at least because Claims 4-5 and 9 include the limitations of independent Claim 1. Since Claims 4-5 and 9 incorporate the limitations of their respective independent claim, Applicant has not provided detailed arguments with respect to Claims 4-5 and 9. However, Applicant remains ready to do so if it becomes appropriate. Applicant respectfully requests reconsideration and allowance of Claims 4-5 and 9.

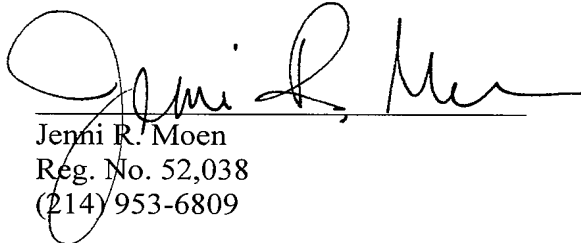
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes that no fees are due; however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
Baker Botts L.L.P.
Attorneys for Applicant



Jenni R. Moen
Reg. No. 52,038
(214) 953-6809

Dated: September 14, 2007

CORRESPONDENCE ADDRESS:

Customer No. **05073**